

87th Legislative Session – 2012

Committee: Senate Health and Human Services

Wednesday, February 01, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Holien
P Krebs
P Rampelberg
P Schlekeway
P Kraus, Vice-Chair
P Hunhoff (Jean), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Jean Hunhoff, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 30, 2012

Moved by: Schlekeway
Second by: Rampelberg
Action: Prevailed by voice vote.

FIRST LADY LINDA DAUGAARD, Office of the Governor
Heart and Health Awareness

SB 163: provide safety provisions by requiring registration of certain family day care facilities, to establish notification and reporting requirements for violations, and to provide penalties therefor.

Presented by: Senator Larry Tidemann
Proponents: Greg Boris, South Dakota Voices for Children
Megan Ulmer, Self, Sioux Falls
Teresa Cass, Self, Pierre
Opponents: Cindy Flakoll, Concerned Women For America

Rita Houglum, Eagle Forum
Dale Bartscher, Family Heritage Alliance Action Inc.

FOLLOWING ASKED TO COME FORWARD TO ANSWER QUESTIONS:

Kim Malsam-Rydson, Department of Social Services
Pat Monson, Department of Social Services

MOTION: AMEND SB 163

163ja

On page 3 of the printed bill, delete lines 2 to 14, inclusive.

Moved by: Kraus
Second by: Holien
Action: Prevailed by voice vote.

MOTION: DEFER SB 163 TO THE 41ST LEGISLATIVE DAY

Moved by: Kraus
Second by: Bradford
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Bradford, Holien, Rampelberg, Kraus

Voting No: Krebs, Schlekeway, Hunhoff (Jean)

SB 74: require the direct billing of anatomic pathology services.

Presented by: Senator Elizabeth Kraus
Proponents: Victoria Herr, Self, Rapid City
Scott Eccarius, Self, Rapid City
Henry Travers, Self, Sioux Falls (Handouts: #1, #2)

THE CHAIR DEFERRED SB 74 UNTIL MONDAY, FEBRUARY 6, 2012

THE CHAIR DEFERRED SB 119 UNTIL MONDAY, FEBRUARY 6, 2012

SB 173: provide provisions allowing for the practice of medical-aesthetic services by trained professionals, to provide registration and oversight of such providers, and to provide a penalty therefor.

Presented by: Senator Stanford Adelstein

Proponents: Senator Elizabeth Kraus

MOTION: AMEND SB 173

173ja

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. Terms as used in this chapter mean:

- (1) "Tanning device," equipment that emits electromagnetic radiation having wavelengths in the air between two hundred and four hundred nanometers and that is used for tanning human skin. The term does not include a phototherapy device used by a physician licensed pursuant to chapter 36-4 that emits ultraviolet radiation and is used in treating disease;
- (2) "Tanning facility," a place or business that provides access to a tanning device.

Section 2. Each tanning facility shall:

- (1) Post a warning sign in a place that is readily available to persons entering the establishment. The sign must contain each of the following provisions in clear and legible lettering:
 - (a) Danger - Ultraviolet Radiation;
 - (b) Follow the manufacturer's instructions for use of this device;
 - (c) Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure to ultraviolet radiation may cause chronic skin damage characterized by wrinkling, dryness, fragility, bruising of the skin, and skin cancer;
 - (d) Do not sunbathe before or after exposure to ultraviolet radiation from sunlamps;
 - (e) Wear protective eyewear. Failure to use protective eyewear may result in severe burns or permanent injury to the eyes; and
 - (f) Medications or cosmetics may increase your sensitivity to the ultraviolet radiation.

Consult a physician before using a sunlamp if you are using medications, have a history of skin problems or believe you are especially sensitive to sunlight. Women who are pregnant or are taking oral contraceptives who use this product may develop discolored skin;

- (2) Give written notice of each of the following provisions to each customer:
- (a) Failure to wear United States Food and Drug Administration approved protective eyewear may damage the customer's eyes and cause cataracts;
 - (b) Ultraviolet radiation from tanning devices may aggravate the effects of the sun thus, it is not recommended to sunbathe during the twenty-four hours immediately preceding or immediately following the use of a tanning device;
 - (c) Overexposure to a tanning device may cause burns;
 - (d) Repeated exposure to a tanning device may cause premature aging of skin and skin cancer;
 - (e) Abnormal skin sensitivity of burning of the skin while using a tanning device may be caused by the following:
 - (i) Certain foods;
 - (ii) Certain cosmetics;
 - (iii) Certain medications, including tranquilizers, diuretics, antibiotics, high blood pressure medicines, and birth control pills;
 - (f) Any person who takes a medication or drug should consult a physician before using a tanning device;
 - (g) Any person with skin that burns easily or never tans should avoid a tanning device; and
 - (h) Any person with a family or past medical history of skin cancer should avoid a tanning device.

Section 3. A trained operator shall be present when tanning equipment is operated. The operator must be within hearing distance to allow the customer to easily summon help if necessary or the customer must have access to an intercom or buzzer for the operator. The operator must be able to reach the customer within one minute.

Section 4. Tanning equipment must have a control that enables the user to manually terminate radiation without pulling the electrical plug or coming in contact with the ultraviolet lamp. The tanning facility shall replace tanning device bulbs at the intervals required by the manufacturer or when a bulb burns out or is defective. The bulbs shall be replaced with a kind intended for use in that device or with lamps or filters considered equivalent under the United States Food and Drug Administration regulations at the time the bulb is replaced. The tanning facility shall visibly post the date of each bulb replacement on each tanning device. The tanning facility shall maintain records of tanning device maintenance and shall make all records available to customers on request.

Section 5. The tanning facility shall sanitize all contact surfaces of a tanning device after each use. The facility shall place a visible sign on the tanning device after each cleaning to indicate that it has been properly cleaned. The facility shall sanitize each bathroom and dressing room used by customers each day and shall provide each customer with clean towels and wash cloths.

Section 6. Operators shall limit session duration and frequency to maximums recommended by the manufacturer.

Section 7. Immediately before the customer's first use of a tanning facility in a year, the operator shall obtain a signed statement acknowledging that the customer is eighteen years of age or older, has read and understands the notice required pursuant to section 2 of this Act, and agrees to use Food and Drug Administration approved protective eyewear. The facility shall retain the signed statement provided pursuant to this section for three years or until the customer signs a new consent form.

Section 8. It is a Class 2 misdemeanor for a person under eighteen years of age to use a tanning device at a tanning facility.

Section 9. The tanning facility shall post a sign in a place that is readily available to persons entering the establishment that reads as follows: "It is a Class 2 misdemeanor for any person under eighteen years of age to use a tanning device at a tanning facility."

Section 10. A tanning facility may not advertise or distribute promotional materials that claim that using a tanning device is safe or free from risk or that the use of a tanning device will result in medical or health benefits. A tanning facility may only claim or distribute promotional materials that claim that a tanning device is for cosmetic use only.

Section 11. A municipality may adopt an ordinance to regulate tanning facilities as long as the requirements in the ordinance are no less stringent than the requirements provided in this Act."

Moved by: Kraus
Second by: Bradford
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 173 UNTIL MONDAY, FEBRUARY 6, 2012

THE CHAIR DEFERRED SB 125 UNTIL MONDAY, FEBRUARY 6, 2012

MOTION: ADJOURN

Moved by: Rampelberg
Second by: Schlekeway
Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Jean M. Hunhoff, Chair